

## **TENNESSEE BOARD OF CHIROPRACTIC MINUTES**

**Date:** February 22, 2005

**Time:** 8:30 A.M. CST

**Location:** Tennessee Room  
Ground Floor, Cordell Hull Building  
Nashville, TN 37247

### **Board Members**

**Present:** Barry Kelton, D.C., Chair  
Michael Massey, D.C.  
Andrea Selby, D.C.  
Debe Williams, D.C.  
Robert Pannell, D.C.

### **Staff**

**Present:** Sherry Owens, Board Administrator  
Robbie Bell, Director  
Bob Kraemer, Advisory Attorney  
Rick Agee, Unit Director  
Jerry Kosten, Rules Coordinator  
Barbara Maxwell, Administrative Director  
Stacy Lannan, Administrative Assistant/Licensing Tech.

Dr. Kelton, chair, called the meeting to order at 8:35 a.m. A sufficient number of board members were present to constitute a quorum.

### **Discuss and consider approval for continuing education courses**

After reviewing the letter from Logan College of Chiropractic, requesting approval for conducting a seminar in Knoxville, TN on April 9-10, 2005, that would meet the continuing education requirement for chiropractors, Dr. Selby made a motion, seconded by Dr. Williams to accept the program as a continuing education course. The motion carried.

After reviewing the letter from Barbara Sanders, Representative for Paul Adams & Associates, requesting approval for conducting seminars that would meet the continuing education requirements for chiropractors, Dr. Pannell made a motion, seconded by Dr. Massey to approve the seminar as a continuing education course. The motion carried.

After reviewing the letter from Tonya Selph, requesting that the courses given at the Memphis Grand Rounds on August 19, 2004 given by Roger Cicala be approved for one-half (.5)

continuing education credit hour for Chiropractors, Dr. Pannell made a motion seconded by Dr. Williams to accept the course given at Memphis Grand Rounds on August 19, 2004 as a continuing education credit. The motion carried.

### **Administrative Report**

Ms. Owens reviewed the administrative report with the board, stating that Chiropractic Examiners have 886 active licenses, 438 retired and 333 failed to renew, Chiropractic X-Ray Technicians have 98 active licenses, 42 retired and 359 failed to renew, Chiropractic Therapy Technicians have 346 active licenses, 24 retired and 117 failed to renew.

Ms. Owens said she will have the CQI report ready for the next meeting. Ms. Owens reminded the board to submit all travel 120 days prior to the travel for review and possible approval and stated there was an increase of \$.38 per mile for travel.

### **Financial Report**

Mr. Agee reviewed the financial report with the board stating that the board is almost out of the red with a carryover from June 30, 2004 of -\$3,414.72.

### **Jerry Kosten, Rules Coordinator**

Mr. Kosten discussed the proposed mandatory criminal background checks for all new applicants, stating the issue resulted from the audit conducted by the Office of the Comptroller of the Treasury. Mr. Kosten said the background check will be a nationwide FBI and TBI search at a cost of \$56 to the applicant.

Dr. Massey made a motion, seconded by Dr. Selby to authorize the rulemaking hearing for the criminal background checks. The motion carried.

The board discussed the rulemaking hearing regarding the PACE Program and the approval for continuing education hours. Dr. Williams made a motion, seconded by Dr. Pannell to table the discussion on approving the PACE Program for continuing education hours until next meeting in order to obtain more information on the program. The motion carried.

Mr. Kosten stated a rulemaking hearing on Rule 0260-2-.12 was conducted on February 3, 2005 regarding continuing education revisions and the Chiropractic X-ray tech exam from ARRT to ACRRT. Mr. Kosten said that Ms. Gregg is here to address the board.

Ms. Gregg addressed the board stating that this board has written, given and scored their own exam. Ms. Gregg stated that she is requesting that the board consider keeping both AART and ACRRT and letting the examiner or Chiropractor who is paying for the course determine which exam to take.

Upon discussion, Dr. Williams made a motion, seconded by Dr. Massey to accept the rule as stated. A roll call vote was conducted and all were in favor except Dr. Kelton and Dr. Pannell. The motion carried.

Mr. Kosten stated that the board needs to discuss and consider a rulemaking hearing regarding possible fee for chiropractic acupuncture certification and correct rule citation.

Upon discussion, Dr. Williams made a motion, seconded by Dr. Selby to add a \$25 fee to chiropractic acupuncture certification. The motion carried.

### **Agreed Order for Vickie Newcomb**

Ms. Alicia Hodge, Assistant General Counsel, brought forward an agreed order for Ms. Vickie Newcomb. Ms. Hodge said that at the time of this action Ms. Newcomb was licensed as an X-Ray Technician and a Chiropractic Therapy Assistant but advertised in the yellow pages that she was a licensed Chiropractor.

After review, Dr. Pannell made a motion, seconded by Dr. Selby to accept the agreed for Ms. Vickie Newcomb which suspends her CTA and CXT license for six months, obtain 6 hours of continuing education and pay a \$1,500 civil penalty. The motion carried.

### **Petition for Order of Compliance, Kirk Jones**

Dr. Jones petitioned the board for an order of compliance mandated by the board as a result of a mail fraud conviction in 1999.

After review, Dr. Williams made a motion, seconded by Dr. Pannell, to accept Dr. Kirk Jones order of compliance. The motion carried.

### **Review Applicant files for licensure and letters of concern and request**

Upon review, Dr. Pannell made a motion, seconded by Dr. Williams to approve the application of **Larry Burchard** for licensure in Tennessee. The motion carried.

Upon review of the letter from Ashley Hensley, CTA, requesting that the board accept the nine (9) hours of continuing education that she had received, Dr. Williams made a motion, seconded by Dr. Selby to accept the continuing education from **Ashley Hensley**. The motion carried.

After the board discussed giving Ms. Sherry Owens the authority to send letters concerning continuing education hours and allowing licensees to make up continuing education in 12 months and remit \$300 penalty fee, Dr. Williams made a motion, seconded by Dr. Selby to give Ms. Owens the authority to send letters to applicants concerning continuing education. The motion carried.

### **Ratify Newly Licensed and Reinstated chiropractic physicians, certified x-ray technicians and chiropractic therapy assistants**

Dr. Pannell made a motion, seconded by Dr. Williams to ratify the following chiropractic physicians, certified x-ray technicians and chiropractic therapy assistants:

**Newly Licensed**

Chiropractic Physicians

**Samuel Ables  
Richard W. Alexander  
Wesley Scott Benton  
Mindy M. Brown  
Phillip N. Coleman  
Brent E. Detwiler  
Jeffery W. Frost  
Kirk W. Jones  
Carole K. Martin  
Charles McDill  
Christopher J. Motley  
Timothy W. O'Brien  
Robert B. Osborne  
Arthur J. Poisal  
Jay K. Schroder  
Brandon J. Strum  
Ben Sweeney  
Eric Tickle  
Ginger R. Tickle  
Angela L. Titon  
Christian S. Troutman  
Joel H. Twist  
Amy H. Workman**

Chiropractic X-Ray

**Michelle Breedlove  
Andrea George**

Chiropractic Therapy Assistants

**None**

**Reinstated**

Chiropractic Physicians

**Marvin Carson**

**James Copeland  
Thomas Craig  
Calvin Parks  
John Ross  
Jennifer Jo Rubio  
Janet Taylor**

Chiropractic X-Ray

**Brenda Lee Overboe**

Chiropractic Therapy Assistants

**None**

The motion carried.

**Investigative Report**

Ms. Lea Phelps reviewed the investigative with the board stating there are currently three open complaints against chiropractors and no complaints against CXT's or CTA's.

**Disciplinary Report**

Ms. Lea Phelps reviewed the disciplinary report with the board stating there is one chiropractor being monitored.

**Report from Robert Kraemer, Advisory Attorney**

Mr. Kraemer reminded the board that items, rules cannot be discussed or voted on unless it is sunshined.

With no other business to conduct, Dr. Williams made a motion, seconded by Dr. Selby to adjourn the meeting at 10:55 a.m. The motion carried.

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